

**CITY OF LONG BEACH  
CITY COUNCIL SUPPLEMENTAL AGENDA**

**TUESDAY, MAY 8, 2007  
COUNCIL CHAMBER, 5:00 PM**

Bonnie Lowenthal, Vice Mayor, 1st District  
Suja Lowenthal, 2nd District  
Gary DeLong, 3rd District  
Patrick O'Donnell, 4th District



Gerrie Schipske, 5th District  
Vacant, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, 9th District

Gerald R. Miller, City Manager  
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Robert E. Shannon, City Attorney

**CITY COUNCIL SUPPLEMENTAL AGENDA  
FOR MEETING OF MAY 8, 2007**

This Supplemental Agenda contains corrections and additions, which were posted more than 72 hours in advance of the above meeting date.

**SUPPLEMENTAL AGENDA (ADDITIONS)**

23. 07-0499      Recommendation to declare ordinance establishing a commission to advise the City Council on environmental affairs and long-term sustainability to be known as the Sustainable City Commission read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

**Office or Department:** PLANNING AND BUILDING

**Suggested Action:** Approve recommendation.

24. 07-0510      Recommendation to declare ordinance adding Chapter 18.97 to the Long Beach Municipal Code implementing a construction and demolition debris recycling program read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

**Office or Department:** PLANNING AND BUILDING; PUBLIC WORKS

**Suggested Action:** Approve recommendation.

adb



# CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

# NB-23

333 West Ocean Blvd., 5th Floor • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

ADVANCE PLANNING

May 8, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Declare Ordinance establishing a commission to advise the City Council on environmental affairs and long-term sustainability to be known as the Sustainable City Commission read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

## DISCUSSION

This report is intended to give a brief background on the concept of the "Environmental" Commission and offer staff recommendations as to how it may be most effectively implemented.

### **Background**

The long-contemplated establishment of a citizen commission to help address Long Beach's environmental issues was formalized with the adoption of the 2010 Strategic Plan in June 2000. The Strategic Plan's Environmental Task Force made specific recommendations that included the creation of a "Sustainable City Program" to be guided by a "Sustainable Development Board" and recommended adequate staffing to support both. Additionally, the 2010 Strategic Plan includes an entire section, complete with action steps, on creating a Sustainable City Program to address Long Beach's sustainability and environmental issues.

Since 2003, various efforts have been initiated to build the foundation for a Sustainable City Program. The City began taking successful strides toward incorporating sustainability through the creation of a Green Purchasing Policy and a Municipal Green Building Policy, both of which were followed by the creation of an interdepartmental Green Building Team (Green Team) to implement these policies. The 24 member Green Team has served to educate staff, has helped prepare at least 12 staff to become LEED (Leadership in Energy and Environmental Design) accredited professionals and has seen the beginning of at least seven municipal building projects designed to the LEED standard.

Due to fiscal and staffing constraints over the past three years, full realization of the recommendations from the 2010 Strategic Plan had been deferred. On May 16, 2006, however, the City Council voted unanimously to request the City Attorney to draft an ordinance that would create an "Environmental" Commission for the City of Long Beach to reinvigorate the City's efforts in this direction.



### **Staff Recommendations**

The unanimous action by the City Council toward a more sustainable future is an opportunity to positively impact the local environment and create real, sustainable change for the City of Long Beach. To reflect this core mission, staff recommends changing the title of the Commission to use the terms "Sustainable City" Commission rather than "Environmental" Commission.

This new Sustainable City Commission maintains the original vision and intent of the Commission as referenced in the 2010 Strategic Plan. Sustainability is about successfully achieving a balance between environmental quality, economic prosperity and social equity, each of which is a challenge this city now faces and will continue to face in the years to come. Having "Sustainable City" in the Commission's name also clearly demonstrates the goal of the Commission and is useful for educating the community about issues of sustainability.

Staff also recommends creating a Sustainable City Program (Program) in the Department of Planning and Building under the authority of the City Manager, a Program is critical to the success of the Sustainable City Commission because having a dedicated program and staff to focus on the Commission's tasks and policies will result in the effective integration of sustainability citywide.

Program staff would be responsible for furthering the goals of, and making recommendations to, the Sustainable City Commission, staffing the City Council's Environmental Committee, preparing policy documents relating to sustainability, conducting public outreach and education about sustainability, and completing other projects or duties as assigned.

### **Summary of Proposed Ordinance**

The proposed ordinance spells out the specific purpose of the Commission as well as rules for members, terms of office, and authority over City Officers and employees.

The proposed purpose of the Commission is to make advisory policy recommendations for the City Council's consideration on issues relating to the environment, a sustainable city plan, efforts or programs to address environmental issues such as air quality, water quality, resource conservation relating to the protection and integrity of the natural environment, programs to increase education and awareness of the environment, to serve as a forum for community discussion of these environmental issues, and to encourage input and participation from all sectors of the community on issues of sustainability and the environment. Please note, the Commission will not review or comment on California Environmental Quality Act (CEQA) documents which include Environmental Impact Reports, Negative Declarations or Categorical Exemptions. The review and analysis of CEQA documents is within the purview of the Planning Commission.

The Commission as proposed will comprise eleven members, with one member representing each of the nine councilmanic districts and two members appointed at large for four-year terms, appointed by the Mayor, subject to City Council approval. It is also recommended that members of the Commission have demonstrated concern for sustainability and desire to improve the living and natural environment of the city and may have professional or scholarly expertise in the fields of sustainability and the environment, geology, hydrology, land use, planning, ecology or special expertise and demonstrated capabilities in fields relating to the social, economic or environmental aspects of life in the city.

This report was reviewed by Assistant City Attorney Michael Mais and Budget and Performance Management Bureau Manager David Wodynski on April 26, 2007.

TIMING CONSIDERATIONS

The requested action is not time sensitive.

FISCAL IMPACT

The Department of Planning & Building will provide staff support for the Commission, which is the foundation for creating a Sustainable City Program within the Department.

In order to effectively support the Commission and Sustainable City Program, the Department will require a Planner III, which will be budgeted at a fully loaded cost of \$93,698 in the Development Services Fund (SR 137) and the Department of Planning & Building (PB). Funding for this position, and support of the Program and Commission, was contingent on the establishment of the Construction and Demolition (C&D) debris recycling program (pending approval at tonight's meeting), which includes an administrative fee to cover the personnel and associated cost for administering the program. This administrative fee will be used to fund the Planner position, which will be responsible for administering the Construction and Demolition debris recycling program as well as supporting the Sustainable City Program and Commission.

Without passage of the C&D debris recycling administrative fee to fund an additional staff position, the Department of Planning and Building will not be able to absorb the workload associated with staffing the Commission.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,



SUZANNE FRICK  
DIRECTOR OF  
PLANNING & BUILDING

SF:AR:LR:MR  
Sustainable city commission CC Ltr.doc

APPROVED:

  
for Christine J. Shippey  
GERALD R. MILLER  
CITY MANAGER

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING CHAPTER 2.38  
ESTABLISHING A SUSTAINABLE CITY COMMISSION

The City Council of the City of Long Beach ordains as follows:

Section 1. The Long Beach Municipal Code is amended by adding  
Chapter 2.38 establishing a Sustainable City Commission as follows:

Chapter 2.38

SUSTAINABLE CITY COMMISSION

Sections:

- 2.38.010 Created.
- 2.38.020 Purpose.
- 2.38.030 Authority over city officers and employees.
- 2.38.040 Members.
- 2.38.050 Term of office.
- 2.38.060 Applicability of Chapter 2.18 of the Long Beach Municipal Code.

2.38.010 Created.

There is created a commission to be known as the Sustainable City  
Commission.

2.38.020 Purpose.

The purpose of the commission shall be to make advisory policy

1 recommendations to the City Council on issues relating to the  
2 environment, a sustainable City plan, efforts or programs to address  
3 environmental issues such as air quality, water quality, resource  
4 conservation relating to the protection and integrity of the natural  
5 environment, programs to increase education and awareness of the  
6 environment, to serve as a forum for community discussion of these  
7 environmental issues, and to encourage input and participation from all  
8 sectors of the community on issues of sustainability and the environment.

9 All recommendations of the commission shall be submitted to the  
10 City Council in writing and shall include a summary of any citizen  
11 testimony before the commission on each particular recommendation  
12 presented for consideration.

13 The commission shall not sit as an adjudicatory body on any  
14 matter, including, but not limited to, the adequacy or certification of any  
15 environmental documents which are otherwise within the jurisdiction of the  
16 City Council or Planning Commission and shall have no authority to  
17 compel the attendance of persons before it. Each year the Commission  
18 shall prepare a work program outlining the focus for the Commission for  
19 review and approval by the City Council.

20  
21 2.38.030 Authority over City officers and employees.

22 The commission shall neither interfere with nor impose itself on the  
23 powers and duties of the officers of the City as set forth in the City  
24 Charter, nor shall the commission interfere with the management or  
25 operations of the City. Likewise, the commission shall have no authority  
26 over employees of the city, and the provisions of Section 208 of the City  
27 Charter shall be applicable.  
28

1 2.38.040 Members.

2 A. The commission shall be comprised of eleven (11) members.  
3 There shall be one commission member representing each of the nine  
4 councilmanic districts and two members appointed at-large.

5 B. All members shall be appointed by the mayor subject to  
6 confirmation by the city council. The members representing each  
7 councilmanic district shall be appointed from a pool of at least three  
8 nominees to be submitted by each member of the City Council to  
9 represent their respective councilmanic district.

10 C. Members of the commission shall have a demonstrated  
11 concern for, and the desire to improve, the status of natural resources and  
12 living environment of the City, and may have professional or scholarly  
13 expertise in the environmental field, geology, hydrology, land use  
14 planning, ecology, or special expertise and demonstrated capabilities in  
15 fields relating to the social, economic or environmental aspects of life in  
16 the City.

17 D. Whenever a member desires to resign from the commission, he  
18 or she shall inform the chairperson in writing. Any member of the  
19 commission may be removed by the mayor with the consent and approval  
20 of the city council. If a member is absent without the consent of the  
21 commission from three consecutive meetings, whether regular or special,  
22 such absence shall cause the member's retirement from the commission.  
23 In the event a vacancy is created, it shall immediately be filled by the  
24 same method by which the member was appointed.

25  
26 2.38.050 Term of office.

27 A. The term of office for members of the commission shall be four  
28 years. No member shall serve for more than two consecutive terms.

1 B. Notwithstanding the provisions of subdivision A of this section,  
2 five (5) members first appointed to the commission, including the two at  
3 large members and three other members as determined by lottery, shall  
4 serve for an initial two year term. Members serving an initial two year  
5 term shall be eligible for re-appointment to one additional four year term.

6  
7 2.38.060 Applicability of Chapter 2.18 of the Long Beach Municipal  
8 Code.

9 Except as provided in this chapter, the commission shall operate  
10 and conduct its business in accordance with the provisions of Chapter  
11 2.18 of this Code entitled "Advisory Boards, Commissions and  
12 Committees."

13  
14 Sec. 2. The City Clerk shall certify to the passage of this ordinance by the  
15 City Council and cause it to be posted in three conspicuous places in the City of Long  
16 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

17 I hereby certify that the foregoing ordinance was adopted by the City  
18 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2007, by the

19 //

20 //



Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

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following vote:

Ayes: Councilmembers:

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Noes: Councilmembers:

\_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers:

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved: \_\_\_\_\_

Mayor



# CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

## NB-24

333 West Ocean Blvd., 5th Floor • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

ADVANCE PLANNING

May 8, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Declare Ordinance adding Chapter 18.97 to the Long Beach Municipal Code implementing a construction and demolition debris recycling program read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

### DISCUSSION

On January 24, 2006, the City Council requested that the City Manager work with the Departments of Planning & Building and Public Works to develop a report detailing the potential implementation of a construction and demolition (C&D) debris recycling program for the City of Long Beach.

According to the 2004 Statewide Waste Characterization Study, construction and demolition materials account for almost 22 percent of the waste stream. Many of these materials can be reused or recycled, thus prolonging the supply of natural resources and potentially saving money in the process. Common C&D materials include lumber, drywall, metals, masonry (brick, concrete, etc.), carpet, plastic, pipe, rocks, dirt, paper, cardboard or green waste related to land development.

Reuse and recycling of C&D materials is one component of a larger holistic practice called sustainable or green building construction. The efficient use of resources is a fundamental tenet of green building construction. This means reducing, reusing, and recycling most if not all materials that remain after a construction, demolition or renovation project. Reuse and recycling of C&D materials is also a major component of LEED Green Building Certification. LEED Green Building Certification gives points to projects that attain multiple levels of C&D recycling as part of the project.

The State of California encourages and supports the creation of C&D programs at the local jurisdiction level. Over 100 cities and counties in California have already adopted ordinances enacting a C&D materials recycling program specific to their jurisdiction. Staff has evaluated the direction provided by the City Council and prepared an analysis of the options and is offering recommendations. The attached report is an overview of what such a program could look like for the City of Long Beach.

Implementation of a C&D materials recycling program would 1) support the City's sustainable development goals, 2) help the City conform to State-wide waste diversion goals (AB 939), 3) be part of a Sustainable City Program in the Department of Planning and Building, and 4) provide an incentive for deconstruction and/or recycling of construction materials.

As part of the implementation process, the Department of Public Works will review the current number of haulers permitted to remove C&D to ensure that sufficient capacity exist to implement this plan. If the Department determines that additional hauling capacity is required, it will permit a limited number of C&D haulers to operate in the City. These additional haulers would be subject to all rules, regulations and fees currently approved by the City Council. In addition, the Public Works Department will reevaluate recycling requirements currently applied to permitted private refuse haulers to ensure that this new ordinance does not negatively impact existing or future commercial recycling activity. For example, private haulers will not be allowed to substitute C&D recycling in place of more traditional recycling offered at their existing commercial accounts i.e. aluminum cans, bottles, cardboard, etc.

This report was reviewed by Assistant City Attorney Heather Mahood and Budget and Performance Management Bureau Manager David Wodynski on May 2, 2007.

### TIMING CONSIDERATIONS

The requested action is not time critical.

### FISCAL IMPACT

The C&D Debris Recycling Program is considered part of a larger Sustainable City Program. In order to effectively create and successfully administer the C&D Debris Recycling Program as part of the Sustainable City Program, the Department will require a Planner III which will be budgeted at a fully loaded cost of \$93,698 in the Development Services Fund (SR 137) and the Department of Planning & Building (PB). This new staff person would be funded by an administrative fee that would be collected from building and demolition permit applicants whose project meets the C&D criteria. This administrative fee will be used to fund the Planner position, which will be responsible for administering the Construction and Demolition Debris Recycling Program as well as supporting the Sustainable City Program and Commission.

In addition to the administrative fee, applicants who projects meet the criteria for the C&D program will also pay a deposit. In order to incentivize the recycling of Construction and Demolition waste, a deposit will be collected and if the applicant meets the recycling goal they will receive their deposit back. If the applicant does not meet their recycling goal, the City will keep the deposit. Unreturned security deposits will be allocated to fund the C&D Debris Recycling Program and the larger Sustainable City Program.

Staff recommends a one-quarter of one percent (0.25%) of project valuation administrative fee (with a minimum fee of \$125 and a maximum of \$2,500) to cover the costs related to the needed position and other administrative costs (e.g. public outreach and educational and informational materials) that would be part of the overall C&D Debris Recycling Program.

Without passage of the C&D Debris Recycling administrative fee to fund an additional staff position, the Department of Planning and Building will not be able to absorb the workload associated with supporting the C&D Program.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



SUZANNE FRICK  
DIRECTOR OF  
PLANNING & BUILDING



CHRISTINE ANDERSEN  
DIRECTOR OF  
PUBLIC WORKS

SF:CA:AR:LR  
C&D Program CC ltr.doc

APPROVED:

  
 GERALD R. MILLER  
CITY MANAGER

Attachments:

- 1) Construction & Demolition Recycling Ordinance
- 2) The City of Long Beach Construction & Demolition Recycling Program Report
- 3) C&D Recycling Facilities

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING CHAPTER 18.97  
ESTABLISHING A CONSTRUCTION AND DEMOLITION  
RECYCLING PROGRAM

WHEREAS, the State of California through its California Integrated Waste  
Management Act of 1989, Assembly Bill 939 (AB 939), requires that each local  
jurisdiction in the state divert fifty percent (50%) of discarded materials (base year 1990)  
from landfills by December 31, 2000; and

WHEREAS, every city and county in California, including the City, could  
face fines up to ten thousand dollars (\$10,000.00) a day for not meeting the above  
mandated goal; and

WHEREAS, approximately twenty-two percent (22%) of the City's solid  
waste sent to landfills is from construction and demolition activities and the diversion of  
these materials would have a significant potential for waste reduction and recycling; and

WHEREAS, reusing and recycling construction and demolition materials  
("C&D Debris") is essential to further the City's efforts to reduce waste and continue to  
comply with AB 939; and

WHEREAS, C&D Debris waste reduction and recycling have been proven  
to reduce the amount of such material which is landfilled, increase worker safety, and be  
cost effective; and

WHEREAS, to ensure compliance with this Chapter and to ensure that  
those contractors that comply with this Chapter are not placed at a competitive  
disadvantage, it is necessary to impose a Performance Security requirement;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as

1 follows:

2                   Section 1.     Chapter 18.97 is hereby added to the Long Beach Municipal  
3 Code to read as follows:

4                                   Chapter 18.97

5                               CONSTRUCTION AND DEMOLITION RECYCLING PROGRAM

6       18.97.010     Definitions.

7                   For the purposes of this Chapter, the following definitions shall  
8 apply:

9                   A.     "Applicant" means any individual, firm, limited liability  
10 company, association, partnership, political subdivision, government  
11 agency, municipality, industry, public or private corporation, or any other  
12 entity whatsoever who applies to the City for the applicable permits to  
13 undertake any construction, demolition, or renovation project within the City.

14                  B.     "Class III Landfill" means a landfill that accepts non-  
15 hazardous resources such as household, commercial, and industrial waste,  
16 resulting from construction, remodeling, repair, and demolition operations.  
17 A Class III landfill must have a solid waste facilities permit from the  
18 California Integrated Waste Management Board (CIWMB) and is regulated  
19 by an Enforcement Agency (as defined in Public Resources Code Section  
20 40130).

21                  C.     "Construction" means the building of any facility or structure or  
22 any portion thereof including any tenant improvements to an existing facility  
23 or structure.

24                  D.     "Construction and Demolition Debris" (C&D Debris) means  
25 building materials and solid waste resulting from construction, remodeling,  
26 repair, cleanup, or demolition operations that are not hazardous as defined  
27 in California Code of Regulations, Title 22, Sections 66261.3, et seq. This  
28 term includes, but is not limited to, asphalt, concrete, Portland cement



1 concrete, brick, lumber, gypsum wallboard, cardboard, and other  
2 associated packaging, roofing material, ceramic tile, carpeting, plastic pipe  
3 and steel. The material may be commingled with rock, soil, tree stumps,  
4 and other vegetative matter resulting from land clearing and landscaping for  
5 construction or land development projects.

6 E. "C&D Recycling Center" means a facility that receives only  
7 C&D material that has been separated for reuse prior to receipt, in which  
8 the residual (disposed) amount of waste in the material is less than ten  
9 percent (10%) of the average weight of material separated for reuse  
10 received by the facility over a one month period.

11 F. "City-sponsored project" means a project constructed by the  
12 City or a project receiving fifty percent (50%) or more of its financing from  
13 the City.

14 G. "Covered Project" shall have the meaning set forth in Section  
15 18.97.020.

16 H. "Deconstruction" means the careful dismantling of buildings  
17 and structures in order to salvage as much material as possible.

18 I. "Demolition" means the decimating, razing, ruining, tearing  
19 down or wrecking of any facility, structure, pavement or building, whether in  
20 whole or in part, whether interior or exterior.

21 J. "Disposal" means the final deposition of construction and  
22 demolition or inert material, to a Class III Landfill.

23 K. "Divert" means to use material for any purpose other than  
24 disposal in a landfill or transformation facility.

25 L. "Diversion Requirement" means the diversion of a percentage  
26 of the total Construction and Demolition Debris generated by a project via  
27 reuse or recycling, unless the Applicant has been granted an exemption  
28 pursuant to Section 18.97.070 in which case the Diversion Requirement

1 shall be the maximum feasible diversion rate established by the Waste  
2 Management Plan Compliance Official in relation to the project.

3 M. "Enforcement Agency (EA)" means an enforcement agency  
4 as defined in Public Resources Code Section 40130.

5 N. "Inert Solids/Inert Waste" means non-liquid solid resources  
6 including, but not limited to, soil and concrete, that do not contain  
7 hazardous waste or soluble pollutants at concentrations in excess of water  
8 quality objectives established by a regional Water Board pursuant to  
9 Division 7 (Sections 13000, et seq.) of the California Water Code and does  
10 not contain significant quantities of decomposable solid resources.

11 O. "Project" means any activity which requires an application for  
12 a building or demolition permit or any similar permit from the City.

13 P. "Recycling" means the process of collecting, sorting,  
14 cleansing, treating, and reconstituting materials for the purpose of using the  
15 altered form in the manufacture of a new product. Recycling does not  
16 include burning, incinerating, or thermally destroying solid waste.

17 Q. "Renovation" means any change, addition or modification in  
18 an existing structure.

19 R. "Reuse" means the use, in the same or similar form as it was  
20 produced, of a material which might otherwise be discarded.

21 S. "Solid Waste" means all putrescible and non-putrescible solid,  
22 semisolid, and liquid wastes, including garbage, trash, refuse, paper,  
23 rubbish, ashes, industrial wastes, demolition and construction wastes,  
24 abandoned vehicles and parts thereof, discarded home and industrial  
25 appliances, dewatered, treated, or chemically fixed sewage sludge which is  
26 not hazardous waste, manure, vegetable or animal solid and semisolid  
27 wastes, and other discarded solid and semisolid wastes. "Solid Waste"  
28 does not include any of the following wastes:

1                   1.       Hazardous waste, as defined in Public Resources  
2       Code Section 40141.

3                   2.       Radioactive waste regulated pursuant to the Radiation  
4       Control Law [Chapter 8 (commencing with Section 114960) of Part 9 of  
5       Division 104 of the Health and Safety Code].

6                   3.       Medical waste regulated pursuant to the Medical Waste  
7       Management Act [Part 14 (commencing with Section 117600) of Division  
8       104 of the Health and Safety Code].

9                   T.       "Waste Management Plan" (WMP) means a completed Waste  
10       Management Plan form, approved by the City for the purpose of compliance  
11       with this Article, submitted by the Applicant for any Covered or Non-covered  
12       Project.

13                  U.       "Waste Management Plan Attachments" means a list of  
14       permitted haulers, reuse facilitators, disposal and recycling facilities,  
15       conversions for mass to weight, and green building material suggestions.

16                  V.       "Waste Management Plan Compliance Official" means the  
17       Director of Planning and Buildings or his or her designee.

18  
19       18.97.020   Threshold for covered projects.

20                  A.       Private Projects.

21                   1.       The following threshold will apply to projects for which  
22       a demolition or building permit is issued after October 1, 2007, but before  
23       January 1, 2008: All construction projects the total valuation of which are,  
24       or are projected to be, seventy-five thousand dollars (\$75,000.00) or greater  
25       and all demolition projects of any valuation, ("Covered Projects") shall be  
26       required to divert at least sixty percent (60%) of all project-related  
27       construction and demolition material in compliance with this Chapter.

28                   2.       The following threshold will apply to projects for which

1 a demolition or building permit is issued after January 1, 2008: All  
2 construction projects the total valuation of which are, or are projected to be,  
3 fifty thousand dollars (\$50,000.00) or greater and all demolition projects of  
4 any valuation, ("Covered Projects") shall be required to divert at least sixty  
5 (60) percent of all project-related construction and demolition material in  
6 compliance with this Chapter.

7 B. All City-sponsored construction, demolition and renovation  
8 projects shall be subject to this Chapter, and consequently, shall be  
9 considered Covered Projects.

10 C. Compliance with this Chapter shall be included as a condition  
11 of approval on any construction or demolition permit issued for a Covered  
12 Project.

13  
14 18.97.030 Submission of a waste management plan.

15 A. Applicants for construction or demolition permits involving a  
16 Covered Project shall complete and submit a WMP, on a WMP form  
17 approved by the City for this purpose, as part of the application packet for  
18 the construction or demolition permit. The completed WMP shall indicate all  
19 of the following:

20 1. The estimated volume or weight of the project C&D  
21 Debris, by material type, to be generated;

22 2. The maximum volume or weight of such materials that  
23 can feasibly be diverted via reuse or recycling. No more than twenty  
24 percent (20%) of the sixty percent (60%) diversion rate can be achieved  
25 through the recycling or reuse of inert materials unless applicant can  
26 demonstrate to the satisfaction of the WMP Compliance Official that  
27 sufficient structural materials do not exist for recycling or that forty percent  
28 (40%) diversion of total waste through non-inert materials is not feasible.

1                   3.     The vendor or facility where the Applicant proposes to  
2     use to collect or receive that material; and

3                   4.     The estimated volume or weight of C&D Debris that will  
4     be landfilled in Class III Landfills.

5                   B.     Calculating Volume and Weight of Material: In estimating the  
6     volume or weight of materials identified in the WMP, the Applicant shall use  
7     the Conversion Rates approved by the City for this purpose.

8                   C.     Deconstruction: In preparing the WMP, applicants for  
9     demolition permits involving the removal of all or part of an existing  
10    structure shall consider Deconstruction to the maximum extent feasible, and  
11    shall make the materials generated thereby available for salvage prior to  
12    landfilling. Deconstruction can be used to meet the sixty percent (60%)  
13    diversion requirement provided it is accounted for in the WMP.

14  
15    18.97.040    Waste diversion deposit.

16                   The project applicant shall submit a waste diversion deposit with  
17    the WMP. The amount of the performance security shall be calculated as  
18    three percent (3%) of total project valuation, provided, however, that the  
19    minimum fee shall not be less than one thousand five hundred dollars  
20    (\$1,500.00) and the maximum fee shall not exceed fifty thousand dollars  
21    (\$50,000.00).

22  
23    18.97.050    Administrative fee.

24                   The project applicant shall submit an administrative fee with the  
25    WMP. The amount of the administrative fee shall be set by a resolution of  
26    the City Council.

27    18.97.060    Review of WMP.

28                   A.     Notwithstanding any other provisions of this Code, no building

1 or demolition permit shall be issued for any Covered Project unless and  
2 until the WMP Compliance Official has reviewed the WMP. Approval shall  
3 not be required, however, where an emergency demolition is required to  
4 protect public health or safety. The WMP Compliance Official shall only  
5 approve a WMP if he or she first determines that all of the following  
6 conditions have been met:

7 1. The WMP provides all of the information set forth in  
8 Section 18.97.030.

9 2. The WMP indicates that at least sixty percent (60%) of  
10 all C&D material generated by the Project will be diverted or an exemption  
11 has been approved pursuant to Section 18.97.080.

12 3. The Applicant has submitted an appropriate waste  
13 diversion deposit in compliance with Section 18.97.040

14 If the WMP Compliance Official determines that these conditions  
15 have been met, he or she shall mark the WMP "Approved," return a copy  
16 of the WMP to the Applicant, and notify the Building Bureau that the WMP  
17 has been approved.

18 B. If the WMP Compliance Official determines that the WMP fails  
19 to meet the conditions specified in subsection A of this Section, he or she  
20 shall either:

21 1. Return the WMP to the Applicant marked "Denied,"  
22 including a statement of reasons, and so notify the Building Bureau, to  
23 ensure that the construction or demolition permit does not issue.

24 2. Return the WMP to the applicant marked "Further  
25 Explanation Required."

26 If the Applicant determines during the course of the project that the  
27 estimated tonnage of material to be generated and or recovered from the  
28 project is substantially different from the WMP, applicant shall submit an



1 addendum to the original WMP.

2  
3 18.97.070 Compliance with WMP.

4 A. Within thirty (30) days after the completion of any Covered  
5 Project, the Applicant shall submit to the WMP Compliance Official  
6 documentation that it has met the Diversion Requirement for the project.  
7 Applicant shall provide a summary of efforts used to meet the Diversion  
8 Requirement and also provide the following documentation:

9 1. Receipts from the vendor or facility which collected or  
10 received each material showing the actual weight or volume of that  
11 material.

12 2. Weight slips/count of material salvaged or reused in  
13 current project.

14 3. A copy of the previously approved WMP for the project  
15 adding the actual volume or weight of each material diverted and landfilled.

16 4. Any additional information the Applicant believes is  
17 relevant to determining its efforts to comply in good faith with this Chapter.

18 B. Weighing of Wastes: Applicants shall make reasonable efforts  
19 to ensure that all C&D Debris diverted or landfilled are measured and  
20 recorded using the most accurate method of measurement available. To  
21 the extent practical, all C&D Debris shall be weighted by measurement on  
22 scales. Such scales shall be in compliance with all State and County  
23 regulatory requirements for accuracy and maintenance. For C&D Debris for  
24 which weighing is not practical due to small size or other considerations, a  
25 volumetric measurement shall be used. For conversion of volumetric  
26 measurements by weight, the Applicant shall use the standardized  
27 conversion rates approved by the City for this purpose.

28 C. The WMP Compliance Official shall review the information

1 submitted under subsection A of this Section to determine whether the  
2 Applicant has complied with the Diversion Requirement as follows:

3 1. If the WMP Compliance Official determines that the  
4 Applicant has fully complied with the Diversion Requirement applicable to  
5 the project, he or she shall cause the full waste diversion deposit to be  
6 released to the Applicant.

7 2. If the WMP Compliance Official determines that the  
8 Diversion Requirement has not been met, he or she shall return only that  
9 portion of the performance security equivalent to the portion of C&D Debris  
10 actually diverted compared to the portion that should have been diverted  
11 according to the WMP. Any portion of the waste diversion deposit not  
12 released to the Applicant shall be forfeited to the City, and shall be used to  
13 further develop environmental sustainability efforts within the Department of  
14 Planning & Building. If the WMP Compliance Official determines that the  
15 Applicant has fully failed to comply with the Diversion Requirement or if the  
16 Applicant fails to submit the documentation required by subsection A of this  
17 Section within the required time period, then the entire waste diversion  
18 deposit shall be forfeited to the City. All forfeited waste diversion deposits  
19 shall be used to further develop environmental sustainability efforts within  
20 the Department of Planning & Building.

21  
22 18.97.080 Exemption.

23 A. Application: If an Applicant believes it is infeasible to comply  
24 with the diversion requirements of this chapter due to the circumstances  
25 delineated in this Section, the Applicant may apply for an exemption at the  
26 time that he or she submits the required WMP. Exemptions may be  
27 granted based the following considerations:

28 1. An emergency situation exists.

2. Contamination by hazardous substances.

3. Low recyclability of specific materials.

The Applicant shall indicate on the WMP the maximum rate of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the Diversion Requirement.

B. Meeting with WMP Compliance Official: The WMP Compliance Official shall review the information supplied by the Applicant and may meet with the Applicant to discuss possible ways of meeting the Division Requirement. The WMP Compliance Official may request that staff from the Environmental Services Bureau attend this meeting or may require the Applicant to request a separate meeting with Environmental Services Bureau staff. Based on the information supplied by the Applicant and, if applicable, Environmental Services Bureau staff, the Compliance Official shall determine whether it is possible for the Applicant to meet the Division Requirement.

C. Granting of Exemption: If the WMP Compliance Official determines that it is infeasible for the Applicant to meet the Diversion Requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the WMP submitted by the Applicant. The WMP Compliance Official shall return a copy of the WMP to the Applicant marked "Approved Exemption" and shall notify the Building Bureau that the WMP has been approved.

D. Denial of Exemption: If the WMP Compliance Official determines that it is possible for the Applicant to meet the Diversion Requirement, he or she shall inform the Applicant in writing. The Applicant shall have thirty (30) days to resubmit a WMP form in full compliance with

1 Section 18.97.030. If the Applicant fails to resubmit the WMP, or if the  
2 resubmitted WMP does not comply with Section 18.97.030, the WMP  
3 Compliance Official shall deny the WMP.

4  
5 18.97.090 Appeal.

6 The applicant or any interested person may appeal to a hearing  
7 officer from any ruling of the WMP Compliance Official made pursuant to  
8 this Chapter in accordance with Section 18.97.070 Notice of any appeal  
9 from the ruling of the WMP Compliance Official must be filed within ten  
10 (10) days of the date that such ruling is made. The decision of the  
11 Hearing Examiner upon such appeal, relative to any matter within the  
12 jurisdiction of the WMP Compliance Official, shall be final and shall not be  
13 appealable to the City Council or to any other City body or official.

14  
15 Section 2. The City Clerk shall certify to the passage of this ordinance by  
16 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
17 Long Beach, and it shall take effect on October 1, 2007.

18 ////

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28 ////

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2007, by the following vote:

Ayes: Councilmembers:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers:

\_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

HAM:fl  
5/3/2007  
#07-01923